In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No.1202 of 2007 (O&M)
Decided on March 06, 2007.

Manohar Lal -- Petitioner

vs.

The State of Punjab and others vs. -- Respondents.

Present: Mr.Vipul Aggarwal, Advocate, for the petitioner

Pritam Pal,J: (Oral)

The petitioner has brought this Civil Revision under Article 227 of the Constitution of India, for restraining defendant/respondent No.2. from making any other pucca water course else-where except at mark AB, Outlet No. 67230, till the decision of the petitioner's application moved under Order 39 Rules 1 and 2 read with Section 151 of Code of Civil Procedure, fixed for hearing before the learned trial Court and further to pre-pone the date already fixed before the learned trial Court.

The only contention of learned counsel for the petitioner is that an application for ad-interim injunction was also filed along with the suit and the same was pressed before the learned trial Court on February 09,2007, but no action was taken thereon. In this regard, a reference has been made to the order dated February 09,2007 passed by the learned trial Court . It appears that service of summons of the defendants

including defendant/respondent No.2., against whom a relief was sought , was effected in a suit for mandatory injunction.

In these given facts and circumstances , the learned trial Court should have also taken some steps to pass order on the application for seeking ad-interim injunction, but there is no mention at all as what happened of the application filed by the petitioner under Order 39 Rules 1 and 2 read with Section 151 of Code of Civil Procedure.

Taking an over all view of the facts and circumstances stated above, this Civil Revision is disposed of with a direction that the learned trial Court shall pre- pone the main matter after due notice to the parties and after obtaining reply, if any, and hearing the learned counsel for the parties, dispose of the injunction application first, in accordance with law.

March 06,2007 (Pritam Pal)
RR Judge